

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, MARCH 5, 2002  
COUNTY COMMISSIONERS CHAMBERS  
FIRST FLOOR, COUNTY-CITY BUILDING  
1:30 P.M.**

Commissioners Present: Bob Workman, Chair  
Bernie Heier, Vice Chair  
Kathy Campbell  
Larry Hudkins  
Ray Stevens

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
David Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Trish Owen, Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 26, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)**

**MOTION:** Heier moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated February 26, 2002. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 21 additions and deductions to the tax assessment rolls per Exhibit A.**

**MOTION:** Campbell moved and Heier seconded approval of the additions and deductions to the tax assessment rolls. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**St. Monica's  
Vital Services, Inc.**

**MOTION:** Heier moved and Campbell seconded approval of the motor vehicle tax exemptions. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

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The Chair recessed the Board of Equalization meeting until 2:36 p.m. when it was reconvened.

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(Hudkins exited the chambers at 2:36 p.m.)

4) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR THE FOLLOWING:**

**Chuck Schmidt Construction Inc. (3 notices)  
Michael & Kristi Egger  
Lincoln Lumber Company**

Norm Agena, County Assessor, recommended the following new values: \$124,200 for Chuck Schmidt Construction Inc. (Parcel I.D. 17-30-246-001-011); \$117,300 for Chuck Schmidt Construction Inc. (Parcel I.D. 17-30-246-001-012) and \$18,000 for Chuck Schmidt Construction Inc. (Parcel I.D. 17-30-246-001-004); \$207,130 for Michael & Kristi Egger (Parcel I.D. 14-26-302-003-000) and \$266,643 for Lincoln Lumber Company (Parcel I.D. 10-24-100-026-000).

**MOTION:** Heier moved and Campbell seconded to accept the County Assessor's recommendation and set the following new values: \$124,200 for Chuck Schmidt Construction Inc. (Parcel I.D. 17-30-246-001-011); \$117,300 for Chuck Schmidt Construction Inc. (Parcel I.D. 17-30-246-001-012) and \$18,000 for Chuck Schmidt Construction Inc. (Parcel I.D. 17-30-246-001-004); \$207,130 for Michael & Kristi Egger (Parcel I.D. 14-26-302-003-000) and \$266,643 for Lincoln Lumber Company (Parcel I.D. 10-24-100-026-000). Workman, Campbell, Stevens and Heier voted aye. Hudkins was absent from voting. Motion carried.

**Owen L. & Rebecca L. Henderson**

Agenda recommended the notice be withdrawn.

**MOTION:** Heier moved and Stevens seconded to accept the County Assessor's recommendation and withdraw the notice of valuation change for omitted or undervalued property for Owen L. and Rebecca L. Henderson. Heier, Campbell, Stevens and Workman voted aye. Hudkins was absent from voting. Motion carried.

5) **APPROVAL OF 451A TAX EXEMPTIONS FOR 2002 PER EXHIBIT B:**

Campbell suggested that the Commissioners identify any organizations with which they may have a conflict of interest.

No conflicts of interest were declared.

**MOTION:** Campbell moved and Heier seconded approval of the 451A tax exemptions for 2002 as presented to the County Board in Exhibit B.

Bob VanValkenberg, 7921 Reno Road, requested Exemptions 274A and 274B (New Masonic Temple Association) and Exemption 333 (Scottish Rite Temple) be held for one week.

Stevens indicated he needed to declare a conflict of interest on People's City Mission as he sits on the Board of Directors.

**FRIENDLY AMENDMENT:** Stevens offered a friendly amendment to take action on People's City Mission separately as he declared a conflict of interest.

Both the maker of the motion and the seconder agreed to accept the friendly amendment.

**FRIENDLY AMENDMENT:** Stevens offered a friendly amend to remove Exemption Numbers 274A, 315 and 333 from the original motion.

The maker of the motion rejected the friendly amendment.

**AMENDMENT:** Stevens moved to remove Exemption 274A, 274B and 333 from the original motion.

Motion failed for lack of second.

**ROLL CALL ON ORIGINAL MOTION:** Stevens, Workman, Campbell and Heier voted aye. Hudkins was absent from voting. Motion carried.

6) **ADJOURNMENT:**

**MOTION:** At 2:55 p.m. Heier moved and Campbell seconded adjournment of the Board of Equalization meeting. Heier, Workman, Stevens and Campbell voted aye. Hudkins was absent from voting. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
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Commissioners Present: Bob Workman, Chair  
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- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 26, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

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- 2) **CLAIMS FOR REVIEW:**

**A. Reconsideration of questionable claim for acute intake/evaluations, in the amount of \$7,250, submitted by Nebraska Health and Human Services.**

David Johnson, Deputy County Attorney, explained that due to an oversight a claim, in the amount of \$7,250, was inadvertently approved by the County Board on February 26, 2002. He requested the Board reconsider their previous action.

**MOTION:** Hudkins moved and Campbell seconded to reconsider a claim for acute intake/evaluations, in the amount of \$7,250, submitted by Nebraska Health and Human Services. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

2) **CLAIMS FOR REVIEW CONTINUED:**

Johnson referred to Neb. Rev. Stat. §29-1823, as amended, and stated that it provides for a system for Health and Human Services (HSS) to follow when filing a claim regarding court evaluations. He stated Kerry Eagan, Chief Administrative Officer, sent a letter to HHS regarding the correct way a claim should be filed. A return letter was received from HHS, however, the letter didn't address the fact that they continue to fail following the statute relating to the procedure for filing a claim. Johnson recommended denial of the claim for acute intake/evaluations, in the amount of \$7,250.

**MOTION:** Campbell moved and Heier seconded to accept the recommendation of the Deputy County Attorney and deny the claim for acute intake/evaluations, in the amount of \$7,250. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **CLAIMS: Approval of all claims processed through Tuesday, March 5, 2002.**

**MOTION:** Heier moved and Hudkins seconded approval of the claims processed through March 5, 2002. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

**A. Continuation of a public hearing regarding County Final Plat 01036, Prairie Vista, requested by Lyle Loth of ESP on behalf of Andrew and Tamera Ingwerson, for six lots on property generally located south of North 176<sup>th</sup> Street and Fletcher Avenue in Lancaster County, Nebraska. (Continued from February 26, 2002.)**

The Chair reconvened the public hearing.

Lyle Loth, representing Andrew and Tamera Ingwerson, appeared and requested the County Board continue the hearing for one week because of issues relating to ownership.

In response to a question asked by Campbell, Loth responded that all issues regarding setbacks had been addressed.

The Chair asked if anyone else wished to testify.

4) **PUBLIC HEARINGS CONTINUED:**

No one appeared and the hearing was recessed for one week.

**B. Automatic renewal of retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, pursuant to Resolution 5351 adopted July 2, 1996 for which the County Clerk has received no protests for the following:**

<b>Ampride #104</b>	<b>North Forty Golf Club</b>
<b>Big Daddy's Stop</b>	<b>Outpost Tavern</b>
<b>Branched Oak Marina</b>	<b>P.O. Pears on the Lake</b>
<b>Crooked Creek Golf Club</b>	<b>Pawnee Marina</b>
<b>Firethorn Golf Club</b>	<b>Pla Mor Ballroom</b>
<b>Gas 'N Shop</b>	<b>Princeton Tavern</b>
<b>Hi Mark Golf Club</b>	<b>Raymono's Pizza Plus Inc.</b>
<b>Hidden Valley Golf Course &amp; Club</b>	<b>Shoemaker's South Truck Stop</b>
<b>Hillcrest Country Club</b>	<b>Star City Hockey L.L.C.</b>
<b>James Arthur Vineyards</b>	<b>Toni's Corner &amp; General Store</b>
<b>Kramer Bar</b>	<b>U-Stop Convenience Shop</b>
<b>Lincoln Izaak Walton League</b>	<b>Veterans of Foreign War #3606</b>
<b>Merle's Food &amp; Drink</b>	<b>Yankee Hill Amoco</b>
<b>Mike's 66</b>	<b>Yankee Hill Country Club</b>

The Chair opened the public hearing and asked if anyone wished to testify.

No one appeared and the hearing was closed.

In response to a question asked by Campbell, Johnson stated the County Board could make a motion approving renewal if they choose, however, if no action is taken those establishments which the Clerk read into the record would receive automatic renewal of their liquor license.

No motion was made by the County Board.

4) **PUBLIC HEARINGS CONTINUED:**

**C. Renewal of a retail liquor license for DLH, Inc. d/b/a Coaches Sports Bar & Grill for which the County Clerk has received three or more written protests, pursuant to Neb. Rev. Stat §53-135.01.**

The Chair opened the public hearing and asked if anyone wished to testify in favor of the renewal, in opposition to the renewal or in a neutral position.

Steve Larson, 4401 Southwest 12<sup>th</sup> Street, stated he is the current president of the Yankee Hill Neighborhood Association. He said it is the intention of the Yankee Hill Neighborhood Association to protest the serving of alcohol to patrons of Cheetah's regardless of its source. Larson stated it was his understanding that a ruling had been handed down that Coaches' license may not be used to serve patrons of Cheetah's. He said if that was correct and there were no loopholes, escape clauses, injunctions or other means that Mr. Hartman could use to his advantage, then they would have no problem withdrawing their protest, however, they would like to reserve the right to exercise their complaint if the Coaches license continued serving alcohol to patrons of Cheetah's.

Johnson explained that there was a ruling by a district court judge to remand the case to the Liquor Control Commission, for the Liquor Control Commission to issue DLH Inc. d/b/a Coaches Sports Bar & Grill a liquor license and for DLH to build a wall, with no license being issued for the Cheetah's portion.

Campbell clarified that the action had not taken place yet.

Larson asked if there was any opportunity for DLH to obtain an injunction against the judge's action.

Johnson stated he thought the time for appeal was over, however, DLH could apply for a liquor license for the entire premises at any point in time.

Hudkins asked Larson if the Yankee Hill Neighborhood Association had concerns and/or complaints regarding the liquor license as it exists currently.

Larson responded yes and further stated the association feels that alcohol and nudity are a volatile combination. He added that there have been incidences which have occurred with some of the patrons of Cheetah's and there is a concern for the safety and well being of the neighborhood.

4) **PUBLIC HEARINGS CONTINUED:**

In response to a question asked by Stevens, Johnson explained the County Board could request DLH to submit a long form liquor license application which would provide clarification regarding what areas are licensed. He also requested that the written protests, consisting of nine letters from individuals, be made a part of the record (Exhibit 1).

**MOTION:** Stevens moved and Hudkins seconded to request DLH, Inc. d/b/a Coaches Sports Bar Grill to submit a long form liquor license application, as provided in Neb. Rev. Stat. §53-135. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

5) **OLD BUSINESS:**

**A. A claim for attorney's fees from Mary Stoughton Wenzl, pursuant to Resolution 4630, for 25 percent of retroactive Social Security benefits in representing Abdialhussein Sheruza. The amount of the claim would be \$333.75.**

**MOTION:** Campbell moved and Heier seconded approval of a claim for attorney's fees from Mary Stoughton Wenzl in representing Abdialhussein Sheruza. The amount of the claim would be \$333.75. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

**B. A collaborative agreement with Lincoln Action Program, Inc. to have the County, through the Cooperative Extension Office, provide for a .5 full-time employee Nutrition Assistant to coordinate the Lincoln Action Program Head Start Performance Standards Responsibility Grid. The County shall be reimbursed up to \$31,680. (C-02-45)**

By direction of the Chair, the collaborative agreement with Lincoln Action Program, Inc. was held at the request of the County Attorney's Office.

6) NEW BUSINESS:

A. An agreement with L.J. Webb Contractor, Inc. for construction of Project 02-26 for concrete box culverts on 84<sup>th</sup> Street between Fletcher Avenue and Alvo Road, 112<sup>th</sup> Street between Havelock Avenue and Adams Street, on Holdrege Street between 98<sup>th</sup> and 84<sup>th</sup> Streets, 114<sup>th</sup> Street between Panama Road and Olive Creek Road, 114<sup>th</sup> Street between Princeton Road and Pella Road and 96<sup>th</sup> Street between Pella Road and Firth Road. The work will be performed between March 11, 2002 and September 6, 2002. The County will pay \$262,922.64. (C-02-79)

**MOTION:** Heier moved and Campbell seconded approval of an agreement with L.J. Webb Contractor, Inc. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

B. An agreement with the City of Waverly for the construction of asphalt pavement of Cannongate Road from Jamestown and Oldfield Street, beginning on the date of execution until completion of the construction. Lancaster County will be responsible for paving plans, bid letting, award and inspection. The County will pay up to \$18,952 for the paving, with the City of Waverly agreeing to pay up to \$26,049. (C-02-80)

**MOTION:** Heier moved and Campbell seconded approval of an agreement with the City of Waverly.

Johnson noted that Keno funds would be used for the construction work.

**ROLL CALL:** Stevens, Hudkins Heier, Workman and Campbell voted aye. Motion carried.

C. An agreement with Norris Public Power District of Beatrice for adjustment of its facility as it relates to County Project C55-S-405(1) for work on South 54<sup>th</sup> Street. The County will pay up to \$85,000 for the adjustment. (C-02-81)

**MOTION:** Campbell moved and Hudkins seconded approval of an agreement with Norris Public Power District of Beatrice. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

**D. An agreement with Norris Public Power District of Beatrice to adjust its facility as it relates to County Project BR-3300(2)-Roca Northwest for construction work on Saltillo Road between South 25<sup>th</sup> Street and South 27<sup>th</sup> Street. The County will pay up to \$18,000 for the adjustment. (C-02-82)**

**MOTION:** Heier moved and Campbell seconded approval of an agreement with Norris Public Power District of Beatrice. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

**E. An agreement with Speece Lewis, Inc. for surveying and professional engineering services and other related services for the design and preparation of plans for North 162<sup>nd</sup> Street from Salt Creek to Davey Road. The County will pay \$15,400 for the services. The term of the agreement is from the date of execution until July 12, 2002. (C-02-83)**

**MOTION:** Campbell moved and Stevens seconded approval of an agreement with Speece Lewis, Inc. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

**F. An amendment to a food services agreement with Aramark Correctional Services, Inc. to extend the agreement until May 31, 2002. The agreement is due to expire March 1, 2002. (C-02-84)**

**MOTION:** Campbell moved and Heier seconded approval of an amendment to an agreement with Aramark Correctional Services, Inc. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

**G. An amendment to agreement C-01-560 with Maplewood Counseling Services Inc. for residential and non-residential evaluation services. The amendment extends the term for one year from November 15, 2001 to September 30, 2002. Compensation and all other terms to the agreement shall remain in full force and effect. (C-02-85)**

**MOTION:** Heier moved and Campbell seconded approval of an amendment to an agreement with Maplewood Counseling Services, Inc. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

- H. **Recommendation of the Lancaster County Sheriff's Office, pursuant to Neb. Rev. Stat. §23-3109(3), Article 31, to enter into a special purchase with Smith & Wesson for duty weapons, in the total amount of \$8,113.50, complete with trade-in allowance for old weapons. (B-02-10)**

Terry Wagner, County Sheriff, stated he felt the pricing was good and the purchase was in the County's best interest. He also stated their old weapons were ten plus years of age and they have had several thousands of rounds of ammunition discharged through them. The new weapons, Wagner said, would have night sights, ambidextrous safety and the ability to add a flashlight mounting rail to the frame of the weapon.

**MOTION:** Hudkins moved and Stevens seconded approval. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

- I. **Recommendation from the Purchasing Agent and Lancaster Manor to award a bid for one washer/extractor and dryer, including trade-in allowance for old equipment, to A.A. Horwath & Sons, in the amount of \$16,370. (Total cost includes the deductions for trade-in of old used equipment.) (B-02-11)**

**MOTION:** Hudkins moved and Heier seconded approval. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

- J. **Recommendation from the Purchasing Agent and the Lancaster County Engineer to award a bid for grading and culvert construction at various locations in the County to Hartmann Construction Company, in the amount of \$254,012.23 for Part I (South 54<sup>th</sup> Street) and to Minchow Construction, Inc., in the amount of \$221,064.59 for Part II (West Denton Road). Total amount of the award is \$475,076.82. (B-02-12)**

**MOTION:** Campbell moved and Heier seconded approval. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

**K. Recommendation from the Purchasing Agent and the Lancaster County Noxious Weed Control Authority to award a bid for annual weed control requirements to "All Care" Grounds Management, Bags O' Grass Lawn Service and Best Kept Lawn Care, at rates as specified on the bid tabulation sheet. (B-02-13)**

**MOTION:** Campbell moved and Heier seconded approval. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

**L. Recommendation of the Joint Budget Committee to use \$6,000 of County funding to contract with Cedars Youth Services to provide management services on behalf of the Clyde Malone Center.**

**MOTION:** Campbell moved and Stevens seconded approval. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

**M. Authorization of Wells Fargo Bank, as Trustee, to disburse \$158,475.60 from the Juvenile Detention Center Arbitrage Rebate Fund to the Internal Revenue Service, as reflected by the final arbitrage rebate report.**

**MOTION:** Campbell moved and Stevens seconded approval. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

**N. Authorization for the Chair to execute Federal Form 8038-T "Arbitrage Rebate and Penalty in Lieu of Arbitrage Rebate" form.**

**MOTION:** Campbell moved and Stevens seconded approval. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

**O. Request from Dennis Keefe, Lancaster County Public Defender, to promote Julie Hansen from an Attorney I to an Attorney II and set her annual salary at \$62,000, effective March 7, 2002.**

**MOTION:** Hudkins moved and Campbell seconded approval. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

**P. A political subdivision tort claim filed against the Lancaster County Community Mental Health Center by Gordon Lannin, on behalf of Karen N. Lannin, for lost property.**

**MOTION:** Heier moved and Campbell seconded to deny the tort claim filed the Lancaster County Community Mental Health Center by Gordon Lannin, on behalf of Karen N. Lannin. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

**Q. A political subdivision tort claim filed against the Lancaster County Engineering Department by Gary L. Blum for damaged property.**

Don Thomas, County Engineer, stated the claim was legitimate and recommended it be held to allow further negotiations with Mr. Blum.

By direction of the Chair, the tort claim filed against the County Engineering Department by Gary L. Blum was held until such time that the County Attorney's Office places it back on the agenda for the Board's consideration.

Campbell declared a conflict of interest because one of the recommendations for replacement came from Campbell's Nurseries.

Hudkins requested the County Engineer to contact Mr. Blum.

7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

The Clerk noted that Consent Item 7A should be withdrawn at the request of the applicant.

**A. Setting of a public hearing for Tuesday, March 19, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding County Change of Zone 207, from "AG" Agricultural to "AGR" Agricultural Residential, requested by Virginia Thomas and Twyla J. Lidolph, Trustees, on property generally located at Southwest 56<sup>th</sup> Street and West Denton Road in Lancaster County, Nebraska.**

7) CONSENT ITEMS CONTINUED:

- B. Setting of a public hearing for Tuesday, March 26, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding updating the Lancaster County Sewage Code which is currently County Resolution 2832 and for the adoption of updated Design Standards, Operation and Maintenance of On-Site Wastewater Treatment Systems which were previously in County Resolution 2832. (A copy of the proposed Regulations and Standards are on file in the County Clerk's Office.)
- C. Setting of a public hearing for Tuesday, April 2, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City building regarding an application for a Class E (Beer Off Sale Only) and a Class M (Bottle Club) liquor license from LEEANN INC. d/b/a "Merle's Food & Drink" (Daniel and Elizabeth Lynch) located at 8250 West "O" Street in Lancaster County, Nebraska.
- D. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:
  - ▶ Patricia Ruth, in the total amount of \$1,393.59, at 11500 Van Dorn Street; Project C55-J-409(1). (2 contracts) (C-02-86 and C-02-87)
  - ▶ Dwight and Yvonne Tekolste, in the amount of \$580.50, two-tenths of a mile north of Pella Road on South 96<sup>th</sup> Street; Project C.P.X-101. (C-02-88)
  - ▶ Vandwege Farms Partnership, in the amount of \$508.50, two-tenths of a mile north of Pella Road on South 96<sup>th</sup> Street; Project C.P.X-101. (C-02-89)

**MOTION:** Hudkins moved and Heier seconded approval of the Consent Items with the exception of Consent Item 7A which was withdrawn at the applicant's request. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

8) OTHER BUSINESS:

- A. Bob Valentine, 2660 Park Avenue, appeared and expressed concerns in relation to management at the Lancaster Events Center.
- B. Bob VanValkenberg, 7921 Reno Road, appeared and expressed concerns regarding the function of the County Assessor's Office.

9) **ADJOURNMENT:**

**MOTION:** At 2:35 p.m. Hudkins moved and Campbell seconded adjournment of the Board of Commissioners meeting. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

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Bruce Medcalf  
County Clerk